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Letter dated 8 June 2011 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Republic of Cuba submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) H. S. **Puri**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 23 May 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to enclose herewith a copy of the response of the Republic of Cuba on the implementation of Security Council resolution 1624 (2005) (see enclosure).

(*Signed*) Rodolfo **Benítez Versón**
Ambassador
Chargé d'affaires a.i.

Enclosure

[Original: Spanish]

Response of the Republic of Cuba regarding implementation of Security Council resolution 1624 (2005)

Introduction

The Government of the Republic of Cuba (hereinafter referred to as Cuba), in accordance with the purposes and principles of the Charter of the United Nations and in full compliance with the international counter-terrorism conventions, reaffirms its total rejection of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, regardless of their motivation, including those in which States are directly or indirectly involved.

Cuba reiterates that it has never allowed, nor will it allow, its national territory to be used to carry out, plan or finance acts of terrorism against any other State. It categorically rejects the unilateral compilation by the United States of America (hereinafter referred to as the United States) of a list of alleged State sponsors of terrorism and the inclusion of Cuba in that list as being incompatible with international law and constituting a form of psychological and political terrorism, as defined by the Heads of State and Government of the Movement of Non-Aligned Countries at its fourteenth Summit, held in Havana, Cuba, in September 2006, and at its fifteenth Summit, held in Sharm el-Sheikh, Egypt, in July 2009.

In fulfilment of its international commitments, Cuba has provided the United Nations with detailed information on the counter-terrorism measures it has adopted. Moreover, it has participated actively in multilateral negotiations on the subject of terrorism and in the public debates of the Security Council on the Committee's work, and has put forward specific proposals and suggestions relating to that work.

Cuba's fight against terrorism dates back to the triumph of the Cuban Revolution in 1959. That moment saw the emergence of nascent structures and organizations to combat that scourge, which was promoted domestically by the most reactionary elements of the national bourgeoisie and, from abroad, by the United States Government. In all the years since then Cuba has been the victim of countless terrorist attacks, with a toll of 3,478 dead and 2,099 disabled.

The Cuban nation has also paid a high price in economic terms as a result of the successive terrorist acts of which it has been a target. These acts, as well as the genocidal economic, commercial and financial embargo imposed unilaterally by the United States, have clearly been intended to put an end to the political, economic and social system freely chosen by the Cuban people, in full exercise of their right to self-determination. Terrorist acts against Cuba have enjoyed total impunity in the United States and are examples of true State terrorism.

The inclusion of Cuba in the annual list of "State sponsors of international terrorism" compiled by the United States Department of State since 1982 under untenable pretexts and without presenting a shred of evidence of Cuba's participation in or link to any terrorist act is a spurious and politically motivated exercise. This practice casts doubt once again on the seriousness of the United States Government's commitment to combating international terrorism, and it remains one of the most irrational aspects of its policy of hostility towards Cuba.

Cuba rejects this illegitimate mechanism whereby the United States Government arrogates to itself the right to certify the conduct of other nations with regard to terrorism and to publish discriminatory, selective and politically motivated lists, while maintaining a double standard by failing to try the avowed perpetrators of horrendous terrorist acts against Cuba and other countries in our hemisphere, instead allowing them to remain at large.

On 8 April 2011, the sham trial that had been under way in El Paso, Texas, came to an end when terrorist Luis Posada Carriles was acquitted of all charges in the immigration proceedings against him. The trial of this notorious criminal for lying to immigration authorities, and not for terrorism, is an insult to the people of Cuba and the families of the victims of Posada's actions. The shameful verdict in El Paso is completely at odds with the counter-terrorism policy which the United States Government claims to advocate, which has even resulted in military interventions in other nations and has cost thousands of lives.

The impunity guaranteed to Luis Posada Carriles by the United States Government is further evidence of the backing given to anti-Cuban terrorism originating from and financed by that country. The most recent events confirm this. At 10.45 a.m. on Tuesday, 17 May 2011, the notorious self-confessed terrorist Luis Posada Carriles, along with five other people, appeared at the corner of Lexington Avenue and 38th Street in Manhattan, where the Permanent Mission of Cuba to the United Nations is located.

Cuba denounces this provocation by Posada Carriles, which proves that this terrorist circulates freely and with total impunity in United States territory, and it holds the United States Government responsible for any consequences that might result from such provocations against Cuban Mission premises and staff, which are condoned by the United States authorities.

The Cuban people will continue to insist that justice be done in the case of this international terrorist and will demand, in every forum and from every platform, that the United States authorities fulfil their international commitments and obligations in combating terrorism.

It is highly ironic that, whereas Posada Carriles has been acquitted, five Cuban counter-terrorism fighters remain unjustly imprisoned in the United States for collecting information on the actions of terrorists of Cuban origin who, like Posada Carriles, freely walk the streets of Miami in total impunity. Cuba reiterates that the United States Government is chiefly responsible for this outcome and calls on it to honour its obligations in combating terrorism, without double standards.

For years, our country has been submitting to the Security Council detailed information on terrorist acts against Cuba. Our complaints still have not been duly addressed.

Cuba has repeatedly denounced and documented in detail, before the Security Council Committee established pursuant to resolution 1373 (2001), the impunity with which terrorist groups based in the United States have planned, incited, financed and carried out terrorist acts against Cuba, with the complicity and support of that country's Government, in violation of its obligations under the above-mentioned resolution, other Security Council and General Assembly resolutions and a number of international counter-terrorism instruments to which it is a party.

Cuba reiterates that it will be impossible to eradicate terrorism if only some terrorist acts are condemned while others are covered up, condoned or justified, or if the issue is simply manipulated in order to advance narrow political interests. Double standards and impunity cannot be allowed to prevail in efforts to address this important matter.

The information below, submitted in response to questions from the Secretariat, has already been supplied several times in the seven reports that Cuba has submitted to the Security Council's Counter-Terrorism Committee.

1. Paragraph 1

1.1 What measures have been adopted to prohibit by law and prevent incitement to commit a terrorist act or acts?

Cuba is a State party to the 13 international counter-terrorism conventions, the provisions of which are reflected in its domestic legislation and practices, particularly Act No. 93 of 20 December 2001, known as the "Counter-Terrorism Act".

The purpose of Act No. 93 is to codify and penalize terrorist acts and related acts on the basis of the current Penal Code and the international counter-terrorism conventions adopted in the framework of the United Nations to which Cuba is a party. This legal provision strengthens and updates the provisions of the current Penal Code by preventing and punishing acts committed using explosive or lethal devices, chemical or biological agents or other means or substances; the taking of hostages; acts against internationally protected persons; acts against the safety of maritime navigation, civil aviation and airports; and all other acts that threaten air and maritime safety, including those against the safety of fixed platforms located on the continental or insular shelf.

Act No. 93 also introduces an innovation by defining as punishable offences terrorist acts committed through the use of information technology. With the adoption of this Act, Cuba now has an up-to-date and comprehensive piece of legislation that enables it to deal with terrorism and related acts in an effective and coherent manner.

As Cuba has informed the Counter-Terrorism Committee, the country has a multifaceted law enforcement scheme that operates in conformity with domestic legislation and specific internal policies and that includes counter-terrorism among its priorities.

The institution that coordinates this scheme is the Ministry of the Interior, operating through its component entities, the Department of State Security, Immigration and Aliens, Border Guard troops, the National Revolutionary Police Force, the General Customs Administration of the Republic and other central administrative organs of the State. This scheme also receives support from officially recognized social organizations.

Cuba has highly qualified and well-trained counter-terrorism personnel, as well as higher education institutes and study centres that provide specialized training in this area.

The specialized units within the Ministry of the Interior, through their supervision of other State organs and entities in the areas of physical protection and

prevention of the diversion and use of explosives, radioactive substances and other dangerous substances to commit acts of terrorism, constitute the first line of defence. Activity to protect official information is an effective tool for foiling terrorist groups' attempts to obtain information that can be used to carry out attacks.

The Ministry of the Interior has promoted, planned and organized training seminars on preventing terrorists from using radioactive substances to carry out attacks.

In July 2009 a regional seminar on detecting and responding to criminal or unauthorized acts involving radioactive materials was held in Havana. The goal of the seminar was to prepare participants to respond to acts of terrorism involving the use of such substances. Experts from the International Atomic Energy Agency (IAEA) and the Cuban National Centre for Nuclear Safety, a unit of the Ministry of Science, Technology and Environment, participated in the event, as did experts from 11 countries.

For their part, the Border Guard troops have devised a protection system which ensures daily coverage for key strategic targets on the coast (power plants, major fuel deposits, naval vessels and tourist sites) and for the capital. This system includes radar and visual reconnaissance and naval patrols opposite these targets.

In addition, tankers passing through our territorial waters are monitored by means of visual and radar reconnaissance, and naval protection is provided for tankers and other working vessels when in port. Sea- and land-based protective measures are also carried out in coastal and maritime areas where oil prospection and extraction is in progress.

Access to harbour installations is restricted, the port authorities being responsible for issuing entry permits. Most vessels are searched on entering and leaving port by the port and customs authorities, in order to detect the presence of weapons, explosives, drugs and other materials or substances capable of being used in terrorist activities.

Plans have also been drawn up to deal with attempted attacks or robberies on ships in port, naval vessels and docks and sites for recreational fishing. For this purpose, the port authorities carry out regular checks on the security and protection systems of vessels at anchor in port, and verify compliance with the measures laid down in the anti-hijacking plans devised by shipbuilders and shipowners. They also carry out measures to monitor access to harbour installations and ships in port.

With regard to immigration control, Act No. 1312 on migration and its accompanying regulations (Decree No. 26/78) stipulate that in order to travel to Cuba, a foreign citizen must hold a valid passport issued by a competent authority, and an entry visa. Cuban consulates abroad grant visas on the basis of the reasons stated by the applicant and their own evaluation of these, in consultation with the national authorities. During their stay in Cuba, foreigners may only pursue activities that are consistent with the conditions attached to their entry visa. Foreigners who fail to comply with the requirements laid down by immigration law for admission to the country are sent back to the country from which they came.

Criminal investigation and prosecution also form part of the counter-terrorism strategy. The steps to be taken against the perpetrators of terrorist acts are laid down in current legislation on the subject, including the Penal Code, the Counter-

Terrorism Act and the Act on Penal Procedure, which specify, inter alia, the safeguards applying to the accused and their rights during criminal proceedings.

Moreover, as part of the experience gained by Cuba in dealing with terrorism, close cooperation has been encouraged among national authorities engaged in the various aspects of counter-terrorism. This extends to a system of border and immigration controls to prevent trafficking in drugs, arms, biological and chemical weapons and their precursors, and the illicit use of radioactive materials.

It bears repeating that Cuba's counter-terrorism strategies are geared not only to preventing and combating terrorist acts committed against the Cuban people, but also to ensuring that the national territory is not used for committing terrorist acts against any other country.

With regard to border control, it should be emphasized that Cuba is a member of the World Customs Organization. The General Customs Administration of the Republic, as the entity responsible for border controls, in coordination with the immigration authorities and other operational bodies of the Ministry of the Interior, maintains permanent contacts with that Organization to prevent individuals with a history of connection with terrorist activities from entering Cuba and to foil any attempts to bring arms and explosives into the country.

Cuban legislation provides that airlines must supply advance information on passengers and cargo, in implementation of the recommendations of the World Customs Organization and the International Civil Aviation Organization. Joint decision No. 1 of the Cuban Civil Aeronautics Institute and the General Customs Administration of the Republic requires Cuban and foreign airlines and agencies that lease air transport services and are responsible for information on passengers and crew members, whether or not they operate regular flights to Cuba, using their own or others' aircraft, or operating under a leasing, charter or exchange contract or any similar arrangement, to submit to the General Customs Administration of the Republic advance passenger and crew information in the form and within the time frames set forth in the decision.

The General Customs Administration, as part of the ministerial border-protection system, has drawn up plans to strengthen security measures and has continued to conduct inspection visits, on an ongoing basis, to customs units to verify compliance with those measures.

Among the aims of the measures are preventing arms and explosives from entering the country and taking the necessary action to protect transportation in general, including ports, airports, tourist marinas and the coast.

Another measure is aimed at prohibiting the entry of firearms into the national territory. Cuba centralizes the import of firearms through its Ministry of Armed Forces and Ministry of the Interior. This prevents individuals connected with criminal activity, including terrorism-related criminal activity, from acquiring such weapons.

Matters connected with authorizing natural or legal persons to import or export firearms, their parts and components, ammunition, explosives or their precursors are in the hands of the Ministry of the Interior. Imports and exports are subject to production of the appropriate licence and the end-use certificate.

The actions carried out by the General Customs Administration to prevent and halt trafficking in firearms, explosives and ammunition are provided for in Decree-Law No. 52 of 1982. Its provisions include compulsory advance notification when natural or legal persons wish to import a firearm into the country. It regulates checks on the legality of permits and types of arms, including their calibre and serial number.

Cuba has strict import/export controls for arms and explosives. The provisions in force include not only Decree-Law No. 262 of 2 December 2008, but also the Industrial Explosives, Ignition Devices, Chemical Precursors and Toxic Chemicals Decree-Law (No. 225 of 7 November 2001) and its implementing regulations, as well as Ministry of the Interior decision 1/06 on protection of hazardous materials. The General Customs Administration ensures strict control of the authenticity of signatures authorizing the import or export of such materials.

Cuban law establishes mandatory procedures and requirements for the issuance of import and export licences. Additionally, in the case of exports, it requires an official explosives import permit issued by the relevant authorities of the country of destination.

It should be noted that Cuban law prohibits vessels and aircraft carrying explosives bound for other countries from arriving or remaining at Cuban ports or airports.

Decree-Law No. 262 strengthens requirements and controls for foreign and Cuban natural and legal persons. This law gives the Ministry of the Interior and other central Government bodies greater control in the domestic arena by implementing a procedure that eliminates the possibility of unilateral decisions on the import or export of arms and ammunition. Under this procedure, the Ministry of the Revolutionary Armed Forces has sole authority to allow such imports and exports.

Natural and legal persons wishing to import or export arms are subject to the following regulatory requirements:

- Submission of an application to the Ministry of the Interior. The Ministry clarifies the reasons for the application and rejects it if it is not appropriate.
- Submission of the application to the Ministry of the Revolutionary Armed Forces, together with the Ministry of the Interior clarifications (if appropriate).
- Evaluation of the application for compliance with requirements. Acceptance or rejection by the Ministry of the Revolutionary Armed Forces.
- The Ministry of the Interior takes the appropriate action in the wake of the Ministry of the Revolutionary Armed Forces decision, with all that this implies, pursuant to Decree-Law No. 262.

On 31 December 2009, the Ministry of the Interior adopted decision No. 30 establishing the regulations implementing the Arms and Ammunition Decree-Law (No. 262). When these regulations came into force, the process of registering authorized but as-yet-unregistered owners of firearms began. Once this phase is complete, the process of renewing expired firearms licences will begin. The last step will be to issue licences to bear firearms to security and protection agents who need them.

Cuban legislation in this field bans the export from or transit through the country of firearms bound for other countries. The only exception made to this provision is for arms which are for use in sports competitions abroad.

Cuba has legislation and regulations establishing security measures to prevent terrorists from gaining access to firearms, their parts and components, ammunition, explosives or their precursors. Such arms and other items are held by the Revolutionary Armed Forces, the Ministry of the Interior, security and protection services authorized by the State to guard civilian targets, and other legal holders.

Cuba, which has been the victim of numerous terrorist acts since 1959, most of which have been devised, organized and financed with complete impunity from the territory of the United States, on many occasions by the Government of that country or with its express support, has considerable experience in dealing with this scourge.

This experience has enabled it, thus far, to prevent or foil over 630 attacks on the leader of the Cuban Revolution, Fidel Castro Ruz, and hundreds of other terrorist acts, many of which were mentioned in the first report submitted by Cuba to the Security Council's Counter-Terrorism Committee (S/2002/15)[1] and in the declaration on the implementation by Cuba of the Declaration on Measures to Eliminate International Terrorism,[2] among other documents.

The counter-terrorism strategies and policies adopted by Cuba are consistent with the provisions of Security Council resolution 1373 (2001), other Security Council resolutions on combating terrorism, the resolutions of the United Nations General Assembly, including the Declaration on Measures to Eliminate International Terrorism contained in the annex to its resolution 49/60 of 9 December 1994, international instruments on this subject to which Cuba is a party, and national legislation.

In this connection, it should be noted that Cuba's national legislation on this and other subjects is kept under constant review so that its effectiveness can be enhanced. Strategic analysis and threat prevention make it possible to weigh and assess the physical protection of possible terrorist targets and to improve intelligence data and the operations of other forces on a continuing basis, in order to attain the objective of preventing, combating and eradicating terrorism against Cuba in all its forms and manifestations, from wherever it may come.

This effort includes gathering, processing and analysing intelligence data (human and technical) about terrorism; using special forces when necessary; the physical protection of potential terrorist targets; and the strategic analysis and forecasting of emerging threats.

The laws enacted by Cuba between 1959 and 2001 to prevent and combat terrorism can be consulted in the first report to the Counter-Terrorism Committee (S/2002/15), pages 6-14. That document covers the laws and measures adopted and the actions taken by Cuba to combat international terrorism after the adoption of Security Council resolution 1373 (2001).

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[1] First report of Cuba to the Counter-Terrorism Committee (S/2002/15), pp. 76-132.

[2] Letter dated 16 June 2003 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General (A/57/841).

1.2 What steps have been taken to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct?

The relevant Cuban authorities maintain ongoing cooperation and information exchanges with their counterparts in other countries in combating terrorism. There is an office of the International Criminal Police Organization (INTERPOL) in Cuba that supplies and requests information on individuals or groups that have been listed as wanted or are suspected of having committed acts of terrorism or of belonging to organizations involved in terrorism or similar crimes. This has helped make it possible to build databases on individuals and organizations engaged in terrorism, with a view to detecting their potential presence in Cuba and alerting the counterpart authorities.

The procedure for granting temporary or permanent residence is subject to the requirements established by the laws on immigration and the status of aliens and to the procedures for their implementation. All relevant information available to the authorities is consulted before aliens are authorized to settle in the country.

Permanent resident status and at least two years' residence in the country are required before an application for citizenship can be submitted and approved by the competent authorities.

If it becomes known through public or other channels that there may be aliens or expatriate Cubans in the country who are wanted or listed as being involved in terrorist activity or other crimes, investigative measures are immediately begun against these individuals, depending on their degree of responsibility and participation, in order to bring them before the relevant courts.

The Ministry of the Interior has personnel qualified to enforce these procedures.

The legal framework governing immigration and aliens, as well as the lodging of aliens in rental properties, is set out in Acts No. 1312 on immigration and No. 1313 on aliens, both adopted in July 1976, as well as in Decrees No. 26 and No. 27 of 1978, which promulgate their respective regulations. Decree-Law No. 171 of 1997 and Decree No. 358 of 1944, which regulate citizenship, are also in force.

Moreover, measures have been taken to detect and prevent the issuance and fraudulent use of forged documents, particularly identity and travel documents. This has enabled the authorities to identify possible cases of entry into the country for criminal purposes. Passports are considered official documents because they are issued and authorized by public officials according to specific procedures established by law and because they contain visa stamps. For this reason, passport forgery constitutes an offence under the heading of forgery of official documents, which is defined in article 250 of the Penal Code and carries a sentence of three to eight years' imprisonment.

Forgery of identity cards, provisional identity papers or other identity papers; use or possession of such forged documents; and manufacture, introduction or possession of instruments used for forgery are punishable under articles 252, 255 and 259 of the Penal Code.

Article VII of the Penal Code deals with offences against the public trust; chapter III, article 255 thereof covers document forgery, which is punishable by a

prison sentence of three months to one year or a fine. Under paragraphs (d) and (e) of article 255, the submission of such documents to a Government authority or official carries a penalty.

Article 259 of the Penal Code makes the manufacture, introduction or possession of instruments used in the forgery of such documents punishable by two to five years' imprisonment.

In accordance with these provisions, a number of measures have been taken with regard to the design of identity and travel documents, including the incorporation of security features making it possible to detect forgeries. These protection and security measures have been updated and enhanced, and are being used in identity cards and passports.

Cuban and foreign travellers are carefully checked at all border points upon arrival and departure by specialized officials of the Department of Immigration and Aliens, which is part of the Ministry of the Interior.

Cuba is among the countries that issue digital passports with biometric data. Since 2002, machine reading of passports that use this technology has been implemented at Cuban border points.

Through the use of advanced technology, the Department of Immigration and Aliens of the Ministry of the Interior strictly monitors the issuance of identity and travel documents.

In its document 9303 on machine-readable travel documents, the International Civil Aviation Organization urges all countries to adopt this technology.

The Department of Immigration and Aliens has qualified personnel trained to read the documents currently being issued by most countries, which are protected with strong electronic security features.

As another means of denying safe haven to alleged terrorists and bringing them to justice, Cuba has concluded extradition agreements with many countries, under which terrorists who have committed acts against third States can be handed over to them if such countries provide the necessary proof. Cuban law also establishes that persons who have committed terrorist acts in other countries can be tried in Cuba if the country concerned provides the necessary proof.

Cuban law also provides that any individual suspected of engaging in terrorist activity or other acts of a criminal nature may be denied entry into the country, either permanently or temporarily, or expelled from the national territory.

The Penal Code, in its title I, chapter III, section 1, criminalizes hostile acts against a foreign State and violation of the sovereignty of a foreign State, and sections 7 and 8 of that chapter criminalize piracy and mercenarism.

These legal provisions enable the authorities to prosecute and punish those responsible for terrorist acts or other types of aggression against other countries and establish penalties ranging from four years' imprisonment to the death penalty.

There is also a domestic mechanism to ensure that all bodies of the central Government are aware of and monitor compliance with United Nations Security Council resolutions establishing sanctions against individuals and entities.

Cuba reiterates its determination to prevent the use of its territory to organize, instigate, support or carry out terrorist acts.

Cuba is also a key participant in international cooperation to combat mercenarism, given the undeniably close link between that practice and terrorism.

In practical terms, this means that the Government of Cuba engages in exchanges and cooperation with other States interested in maintaining channels of communication to combat terrorism or signing treaties to address this scourge.

It is not possible at present to provide information on other operational elements of the Cuban authorities' counter-terrorism activities, as that would involve revealing sensitive information which could be used by terrorist groups.

2. Paragraph 2

2.1 How does the State cooperate with other States to strengthen the security of their international borders, including by combating fraudulent travel documents and by enhancing terrorist screening and passenger security procedures, with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory?

Cuba reiterates its willingness to cooperate with all States to prevent and combat international terrorism on the basis of mutual respect, the sovereign equality of States and the norms and principles of international law, including the Charter of the United Nations.

On this understanding, Cuba has signed a number of bilateral agreements and treaties:

- It has signed 21 agreements on the execution of penal sentences, of which 12 are in force;[3]
- It has signed 35 agreements on legal assistance, of which 18 are in force;[4]
- It has signed 8 agreements on extradition, all of which are in force.[5]

In addition to the extradition agreements, Cuba is a party to the Convention on Private International Law (Bustamante Code), signed in Havana on 13 February 1928.

With regard to mutual legal assistance, article 14 of Act No. 82 of 11 July 1997, concerning the People's Courts, establishes that "the People's Courts shall execute letters rogatory in accordance with the provisions of international conventions and treaties or on the basis of the legislation currently in force". In that regard, article 175 of the Act on Penal Procedure states that "in the absence of a convention or treaty, letters rogatory shall be transmitted through the diplomatic channel in accordance with international practice".

Moreover, the Convention on Private International Law (Bustamante Code) establishes mechanisms for extradition. Articles 388 to 393 regulate the transmittal of letters rogatory between the authorities of the States parties.

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[3] See annex I.

[4] See annex II.

[5] See annex III.

Article 14 of Act No. 82 on the People's Courts also states that "the courts shall assist each other in implementing all necessary procedures outside the territory of their respective countries".

The form and processing of letters rogatory delivered to foreign courts are consistent with the requirements established in international conventions or treaties, in the absence of which they are transmitted through the Ministry of Foreign Affairs and their form is modified to conform to the procedures followed by that Ministry.

Article 14 also states that "the People's Courts shall execute letters rogatory transmitted by foreign courts, provided that they are received through the channels and in accordance with the requirements established in international conventions or treaties or, in the absence thereof, in the legislation currently in force".

The letter rogatory must include the necessary background information and indicate the questions to be put to the witness; however, the foreign authority or court may expand upon them as dictated by its discretion and good judgement.

Article 173 of the Act on Civil, Administrative, Industrial and Economic Procedure states that "the Courts shall cooperate with and assist each other in the execution of all legal procedures to be carried out within their jurisdiction at the request of a court of another jurisdiction".

It also states that "the authorities, agents and other officials of the State shall assist the Courts, at the latter's request, within the scope of their respective mandates; any unjustified refusal or resistance shall give rise to criminal and civil responsibility".

In the case of letters rogatory sent by foreign courts to the competent Cuban courts on the basis of reciprocity, the procedures below are followed:

(a) The diplomatic channel is used; this means that the authorities of the country send the documents, duly translated where necessary, through its embassy in Havana or, in the absence thereof, its consulate or interests office;

(b) After certifying the documents in question, the foreign embassy in Cuba transmits them to the Ministry of Foreign Affairs, which refers them to the competent Cuban court;

(c) Once they have been executed by the competent court, which is determined in the light of the complexity of the request to be executed, the documents are returned to the country of origin through the same channel;

(d) If there is a bilateral agreement between Cuba and the requesting country, its provisions take precedence over the above-mentioned procedure, which may therefore be modified in accordance with the relevant regulations agreed by the two countries.

Cuba ensures the most rigorous implementation of the principle of *aut dedere aut judicare* so that those responsible for terrorism in any form or for terrorism-related offences will not go unpunished.

Through the country's coordination and cooperation with INTERPOL, the relevant lists are circulated to each border entry point; this includes posting the names of listed persons as requiring notification, identification at the border or denial of entry, as appropriate. Other countries can use the INTERPOL mechanism

to request and receive from or send to the Cuban authorities information on persons who are suspected of committing or known to have committed terrorist acts or other offences of international scope.

Information on such persons is part of the relevant security procedures so that they can be identified on arrival in Cuba or if evidence of their prior presence there is found.

The Cuban INTERPOL office can also request information from other countries on terrorists or other international criminals of interest to it.

One example of the effectiveness of the exchanges with INTERPOL and Cuba's cooperation with other countries for purposes of counter-terrorism is the recent arrest of the Salvadoran terrorist Francisco Antonio Chávez Abarca in the Bolivarian Republic of Venezuela and his subsequent transfer to the Cuban authorities for trial. With the capture of this terrorist, who was listed by Cuba through INTERPOL for his direct ties to the terrorist attacks on Havana hotels in 1997, it was possible to foil other terrorist plots in which he was involved, which were aimed at destabilizing the constitutional order in Venezuela.

Cuba has cooperated, and even cooperated actively, with the United States Government. On three occasions (November 2001, December 2001 and March 2002), Cuba proposed to the United States authorities a draft bilateral cooperation programme to combat terrorism. In July 2009 and February 2010 Cuba reiterated its willingness to cooperate in this regard.

The Cuban authorities have informed the United States Government several times that they are willing to exchange information on terrorist plots against targets in either of the two countries. It is known that, in 1984, Cuba warned of a planned attack against President Ronald Reagan, enabling the United States authorities to neutralize those involved. In 1998 it passed information to the administration of William Clinton concerning plans to blow up aircraft belonging to Cuban airlines or airlines of other countries operating flights to Cuba.

Moreover, the Cuban authorities have supplied the United States Government with a great deal of information on terrorist acts committed against Cuba. In 1997, 1998, 2005 and 2006, Cuba handed over to the Federal Bureau of Investigation numerous pieces of evidence concerning bombings at various Cuban tourist sites, even providing access to the perpetrators of those acts, who are imprisoned in Cuba, and to witnesses.

In addition to the mechanisms established for cooperation with INTERPOL and with other countries, the seven previous reports that Cuba has provided to the Counter-Terrorism Committee contain a wealth of convincing information on the movements and actions of terrorist elements of Cuban origin based in the United States and on their direct ties with illegal trafficking in firearms and human beings.

These complaints have been reiterated on several occasions in the context of the public debates held by the Security Council to analyse the work of its committees on counter-terrorism.

Unfortunately, Cuba has never received a response to these complaints from the Counter-Terrorism Committee; to its knowledge, no specific measures have been adopted in this regard.

It should also be stressed that Cuba is a State party to the international and regional instruments for the destruction and non-proliferation of weapons of mass destruction (the Chemical Weapons Convention, the Biological Weapons Convention, the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty of Tlatelolco, which established a nuclear-weapon-free zone in Latin America and the Caribbean) and has complied strictly with all provisions thereof.

Detailed information on Cuba's participation in these international instruments and in the procedures established therein for the exchange of information can be found in the national reports of Cuba to the Security Council committees established pursuant to resolutions 1267 (1999) and 1540 (2004). Ample information has also been provided at the conferences of the parties or review conferences held in relation to these treaties on weapons of mass destruction.

3. Paragraph 3

3.1 What international efforts is Cuba participating in or considering in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Cuba attaches the utmost importance to the central role that the international community, through the United Nations system, must play in promoting and protecting cultural rights and identities and international cultural cooperation, based on the principle of full respect for the political, economic, cultural, social and religious diversity of every society, strictly in keeping with the purposes and principles of the Charter of the United Nations.

The right to enjoy culture and the obligation to disseminate, promote, preserve and protect it is a political commitment of States reflected in the Universal Declaration of Human Rights. Cuba believes that peace should be considered a human value and should be defined not simply as the absence of war, but rather as the development of an inclusive culture by the men and women of the world that leads to the recognition of and respect for the diversity of cultural identity at the international level.

Lack of respect for cultural diversity and erroneous racist, discriminatory and xenophobic ideas about the superiority of races, cultures and nations, which only benefit the powerful, have throughout history been among the basic causes of tragic conflicts, whose recurrence we are duty bound to avoid.

Cultural cooperation presupposes respect for diversity. Interaction enriches each culture and, provided that it takes place on a basis of mutual respect, contributes to the voluntary acceptance of universally shared values. The recognition of universal values cannot be achieved by forcibly imposing on others the patterns of one particular culture or civilization.

The current international order hampers general access to culture, science and education for all. The continued violation of human rights associated with the so-called war on terror, which particularly affects national, ethnic and religious minorities, is also cause for alarm.

Discrimination on the basis of religion or belief constitutes an assault on human dignity, undermines the principles of the Charter of the United Nations and must be condemned as a violation of the human rights and fundamental freedoms set

out in the Universal Declaration of Human Rights and the international covenants on human rights, and as an obstacle to friendly and peaceful relations among nations.

The Cuban Government has worked at both the national and international levels to support the acceptance of diversity and multiculturalism, efforts to combat defamation of religions and the promotion of interreligious dialogue.

Cuba welcomed with satisfaction the adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), to which it has been a State party since 29 May 2007, the date of deposit of its instrument of ratification. In line with the provisions of its article 29, the Convention came into force in Cuba on 29 August 2007. The Cuban State complies strictly with the international obligations and commitments arising from this Convention. Cuba will continue to promote and defend respect for cultural diversity and to support all United Nations efforts to that end.

In the framework of the Movement of Non-Aligned Countries, Cuba has been participating actively in most of the initiatives and events aimed at increasing respect for cultural and religious diversity, as articulated in depth in the declarations and outcome documents of such events. These include the Tehran Declaration and Programme of Action on Human Rights and Cultural Diversity, adopted at the Non-Aligned Movement Ministerial Meeting on Human Rights and Cultural Diversity, held in Tehran, Islamic Republic of Iran, in September 2007, in which the countries members of the Movement highlight the importance of promoting understanding, tolerance and friendship among human beings while respecting the diversity of their cultures, religions and beliefs.

These concepts were also endorsed at the Non-Aligned Movement's Special Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development, held in March 2010 in Manila. At that event, the non-aligned countries reaffirmed respect for freedom of religion or belief and diversity in social systems while opposing all forms of intolerance, exclusion, xenophobia or racism. They also affirmed that cultural, ethnic, social and religious diversities should not lead to conflict but rather to peaceful coexistence.

Cuba advocates dialogue among cultures and civilizations and the vigorous rejection of the stale pretext of the so-called "clash of civilizations", which is used to justify an aggressive militarism that threatens peace among peoples.

3.2 What steps is the country taking to counter incitement to commit terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural and religious institutions by terrorists and their sponsors?

There are no terrorist groups on Cuban territory.

Terrorist groups acting against Cuba come from abroad, primarily from the United States, where they are trained, supplied, funded and led, encouraged by that Government's policy of hostility towards Cuba.

These groups jeopardize Cuba's national security by planning and executing acts against Cuban citizens and their goods and property both within and outside the country, against the highest Government authorities and against citizens of third countries and their goods and property within the national territory.

Cuba has appropriate legislative provisions to address this criminal activity.

Act No. 93 contains provisions prohibiting recruitment for the purpose of forming terrorist groups and criminalizes the actions set out in international agreements on terrorism.

Article 5 of Act No. 93 also criminalizes the following acts:

- Attempting to involve another or others in acts of terrorism;
- Plotting with another or others to commit offences prohibited by the Act;
- Inciting or inducing another or others to commit such offences.

In addition, articles 26, 27 and 28 of Act No. 93 criminalize:

- Covering up acts of terrorism;
- Failure to report such acts;
- Any other act with terrorist ends for which a harsher penalty has not been established.

Terrorism is also covered in Act No. 62 (Penal Code), which in title I, relative to crimes against the security of the State, chapter II, section 7, article 106, provides for the crime of terrorism and specifies penalties ranging from 10 to 20 years' imprisonment or the death penalty.

4. Paragraph 4

4.1 What is the country doing to ensure that any measures taken to implement resolution 1624 (2005) comply with its obligations under international law, in particular international human rights law, refugee law and humanitarian law?

The Cuban State does not grant refugee status. Cuba is not a State party to the 1951 Convention relating to the Status of Refugees or to the 1967 Protocol relating to the Status of Refugees. However, its treatment of applicants for refugee status and recognized refugees is based on the principles of refugee law. Unlike many other countries, Cuba does not have a national committee on eligibility. Instead, applications for refugee status must be submitted to the Office of the United Nations High Commissioner for Refugees (UNHCR) in Havana, which makes a determination in conjunction with the Regional Office in Mexico.

The migration authorities base their treatment of applicants for refugee status and recognized refugees on the decisions of the UNHCR Regional Office in Mexico, under a system of close coordination between the Ministry of Foreign Affairs, the Department of Immigration and Aliens and UNHCR authorities.

The historical record has demonstrated the reliability of UNHCR decisions. No recognized refugee or applicant has ever been involved in activities that might in any way be related to terrorism, at least in Cuba's experience.

Cuba reaffirms that there are no refugee camps or internally displaced persons' camps in the territory under its jurisdiction.

The Cuban Government maintains close ties with the local offices of UNHCR and the International Committee of the Red Cross. By request of these agencies and other Governments, and in strict compliance with international norms, our territory

has served as a refuge for persons who have landed on our shores as a result of unforeseen events.

Cuba once again denounces the existence of the arbitrary detention and torture centre established by the Government of the United States of America on the territory illegally occupied by the Guantánamo Naval Base against the will of the Cuban people. Our Government does not exercise effective jurisdiction over that territory and therefore does not assume any responsibility whatsoever for the legal irregularities and serious human rights violations that have taken place there.

Annex I

Agreements signed by Cuba on the execution of penal sentences

Country	*Signed*	*Entry into force*
1. Austria	14/10/99	10/10/01
2. Spain	23/07/98	16/06/00
3. Italy	09/06/98	19/09/00
4. France	21/01/00	01/05/02
5. United Kingdom	13/06/02	02/07/03
6. Sweden	15/03/02	04/06/03
7. San Marino	13/07/04	13/07/04
8. Angola	24/06/08	
9. Guinea	10/12/04	
10. Zambia	22/05/98	
11. Cape Verde	16/04/99	
12. Dominican Republic	20/02/02	23/11/03
13. Guatemala	06/09/02	16/04/08
14. Mexico	23/04/96	25/05/97
15. Colombia	14/01/99	
16. Canada	07/01/99	10/08/99
17. Grenada	15/04/04	
18. Bolivia	28/04/08	
19. Panama	02/03/07	
20. Venezuela	08/10/04	
21. Peru	15/01/02	13/12/03

Annex II

Legal assistance agreements signed by Cuba

Country	*Agreement*	*Signed*	*Entry into force*
1. Russian Federation	Legal assistance in civil, family and criminal matters **(the agreement signed with the former Soviet Union on 28/11/84 is in effect until this agreement enters into force)**	14/12/00	
2. Ukraine	Legal assistance in civil and criminal matters	27/03/03	
3. Romania	Legal assistance in civil, family and criminal matters	28/06/80	03/08/81
4. Slovakia	Legal assistance in civil, family and criminal matters **(the agreement signed with the former Czechoslovakia is in effect)**	18/04/80	11/07/81
5. Hungary	Legal assistance in civil, family, labour and criminal matters	27/11/81	19/05/82
6. France	Judicial assistance in criminal matters	22/09/98	01/05/02
7. Bulgaria	Legal assistance in civil, family and criminal matters	11/04/79	25/06/80
8. Poland	Legal assistance in civil, family and criminal matters	18/11/82	19/12/83
9. Belarus	Legal assistance in civil, family and criminal matters **(the agreement signed with the former Soviet Union on 28/11/84 is in effect)**	28/11/84	12/08/85
10. Belgium	Memorandum of understanding (in judicial and other legal matters)	12/01/99	
11. Czech Republic	Legal assistance in civil, family and criminal matters **(the agreement signed with the former Czechoslovakia is in effect)**	18/04/80	11/06/81

Country	*Agreement*	*Signed*	*Entry into force*
12. Cyprus	Legal cooperation in criminal matters	27/10/84	
13. Angola	Mutual legal assistance in criminal matters	24/06/08	
14. Cape Verde	Mutual legal assistance in criminal matters	16/04/99	
15. Congo	1. Legal and judicial assistance in criminal matters	24/12/82	24/12/82
	2. Protocol additional to the agreement on legal and judicial assistance	22/04/85	24/05/90
16. Guinea-Bissau	Legal and judicial assistance in criminal matters	15/03/82	20/01/83
17. Mozambique	Legal cooperation in civil, family and criminal law	26/04/88	02/05/89
18. Guinea	Cooperation in the field of justice	10/12/04	
19. Sao Tome and Principe	Mutual legal and judicial assistance in criminal matters	07/11/85	11/12/86
20. Yemen	Assistance and cooperation in civil and criminal matters	08/05/88	
21. Libya	Legal and judicial assistance in civil and criminal matters	30/05/88	
22. Algeria	Legal and judicial cooperation	30/08/90	
23. Iraq	Legal and judicial assistance in civil and criminal matters	03/06/89	
24. China	Legal assistance in civil and criminal matters	24/11/92	26/04/94
25. Viet Nam	Legal assistance in civil, family and criminal matters	30/11/84	19/09/87
26. Mongolia	Legal assistance in civil, criminal and family matters	16/08/89	
27. Democratic People's Republic of Korea	Mutual legal assistance in family and criminal matters	08/10/92	08/11/00

Country	*Agreement*	*Signed*	*Entry into force*
28. Mexico	Legal assistance in criminal matters	23/04/96	25/04/97
29. Peru	Judicial assistance in criminal matters	15/02/99	
30. Uruguay	Mutual legal assistance in criminal matters	16/02/95	
31. Venezuela	Legal assistance in criminal matters	13/07/99	
32. Brazil	Judicial cooperation in criminal matters	24/09/02	11/11/07
33. Panama	Legal assistance in criminal matters	02/03/07	
34. Colombia	Legal assistance in criminal matters	13/03/98	03/11/01
35. Colombia	Judicial cooperation	09/06/94	

Annex III

Extradition agreements signed by Cuba

Country	*Signed*	*Entry into force*
1. Belgium	1. 29/10/1904	27/07/1905
	2. 23/02/1933 (extends the treaty to other territories)	20/12/1934
2. United States	1. 06/04/1904	03/03/1905
	2. 06/12/1904 (protocol of amendment)	31/01/1905
	3. 14/01/1926 (expands list of offences)	18/06/1926
3. United Kingdom	1. 03/10/1904	03/10/1904
	2. 17/04/1930 (extends the treaty to other territories)	12/11/1931
4. Spain	26/10/1905	16/08/1906
5. Italy	04/10/1928	18/04/1932
6. France	03/01/1925	25/02/1929
7. Dominican Republic	15/06/1933	15/06/1933